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10/771,640	02/04/2004	James Ferguson White	4736A	3706
23623 7590 07/31/2008 AMIN, TUROCY & CALVIN, LLP 1900 EAST 9TH STREET, NATIONAL CITY CENTER 24TH FLOOR, CLEVELAND, OH 44114				
EXAMINER OH, TAYLOR V				
ART UNIT		PAPER NUMBER		
1625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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It is noted that applicants have filed an Amendment after the Final Rejection on 7/15/08; applicants' attorney has addressed the issues of record. The proposed amendment will be not entered because the amendment raises a new issue that would require further consideration and /or search ; thus , it is not in a condition for allowance.

The Status of Claims

Claims 17-25,29-39 are pending.

Claims 17-25,29-39 are rejected.

New Issue

In the proposed amendment, claims 21 and 33 contain the terms " at minimum about 34 % of total Hg porosity occurs in pores having a diameter of about 5,000A and larger" and " at minimum about 34 % of total Hg porosity occurs in pores having a diameter of about 5,000A and larger in the extruded activated carbonaceous material", they raise a new issue that would require further consideration and /or search .

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The rejection Claims 17-25, and 29-39 under 35 U.S.C. 103(a) as being unpatentable over Romanenko et al (WO 01/087798) ,which is equivalent to Romanenko et al (EP 1205241) has been maintained due to the reason of record filed on 4/17/08.

Applicants' Argument

Applicants argue the following issue:

- a. The prior art does not disclose that an extruded activated carbonaceous support material with pore sizes between at minimum about 5,000 and at most about 20,000 ;
- b. The prior art does not disclose a process of making a porous carbonaceous material; the claimed feature significantly improves the functionality and longevity of the catalyst composite for the method of purifying crude polycarboxylic aromatic acid;

Applicants' arguments have been noted, but the arguments are not persuasive.

First, regarding the first argument , the Examiner has noted applicants' arguments. However, the meaning of the term " about " in the claimed phrase of " at

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minimum about 5,000 angstrom" may imply that it can be interpreted as the pore diameter having more or less than 5,000 angstrom. In one case law, In re Ayers, 154 F.2d 182, 69 USPQ 109 (CCPA 1946), the term "about" permits some tolerance. At least about 10 % was held to be anticipated by a teaching of a content not to exceed about 8%. Therefore, likewise, it seems reasonable to assume that the vol. of pores in the prior art can be within the range of the claimed one. Therefore, applicants' argument is not persuasive.

Second, regarding the second argument, the Examiner has noted applicants' arguments. However, unlike the applicants' argument, the prior art does teach how to make the porous carbonaceous material in reviewing the paragraph below (see page 4 paragraph 0022):

[0022] As the aforesaid carbon materials carriers may be used, prepared by the heat treatment of plastics, and also synthesized in accordance with a special technology from gaseous hydro-carbons (V.A. Likhoborov et al., React. Kin. Catal. Lett., vol. 54, 2 (1995) 381-411), namely, Sibunit, KVV and various composites based thereon. The physicochemical characteristics of some carbons are presented in Table 1. The tabulated data indicate that the aforesaid carbon materials in the set of such parameters as V_{meso}/V_s and K sharply differ from conventional active carbons usually employed for producing catalysts for the hydrofining of terephthalic acid, prepared from vegetable, animal or mineral sources, preferably coconut active carbons that are used for preparing conventional terephthalic acid hydrofining catalysts.

Furthermore, attorney's arguments of unexpected results can not take the place of evidence in the record in comparison with the prior art's porous carbonaceous material. Therefore, applicants' argument is not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 571-272-0689. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Taylor Victor Oh/
Primary Examiner, Art Unit 1625
7/28/08